

DT20 Rec'd PCT/PTO 06 JAN 2003

REV. 5-93) US DEPT. OF COMMERCE PATENT &amp; TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
112

**TRANSMITTAL LETTER TO THE  
UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING  
UNDER 35 U.S.C. 371**

U.S. APPLICATION NO.  
(if known; sec 37 C.F.R.1.5)  
10/069,883

INTERNATIONAL APPLICATION NO.  
PCT/FR00/02429

INTERNATIONAL FILING DATE  
September 1, 2000

PRIORITY DATE CLAIMED  
September 1, 1999

TITLE OF INVENTION  
METHOD FOR DETECTING THE EXPRESSION OF AN ENVELOPE PROTEIN OF A HUMAN ENDOGENOUS RETROVIRUS  
AND USES OF A GENE CODING FOR SAID PROTEIN

APPLICANTS FOR DO/EO/US  
Francois MALLET et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☒ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ Entitlement to small entity status is hereby asserted.
17. ☒ Other items or information: Petition for Extension of Time w/ck #137881 (\$1,970); RTNTFMP w/copy of Notification of Missing Requirements, copy of Trans Ltr of 05-02-02; copy of exec. Dec; PTO dtd stmped recpt; Sequence Listing (paper and computer-readable copies).

U.S. APPLICATION NO. (if known, see 37  
C.F.R. 1.5) 10/069,883

INTERNATIONAL APPLICATION NO.  
PCT/FR00/02429

ATTORNEY'S DOCKET NUMBER  
1

17. ☐ The following fees are submitted:

**Basic National fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO ....\$890.00

International preliminary examination fee paid to USPTO  
(37 CFR 1.482) .....\$710.00

No international preliminary examination fee paid to USPTO  
(37 CFR 1.482) but international search fee paid to USPTO  
(37 CFR 1.445(a)(2)) .....\$740.00

Neither international preliminary examination fee (37 CFR  
1.482) nor international search fee (37 CFR 1.445(a)(2))  
paid to USPTO .....\$1,040.00

International preliminary examination fee paid to USPTO  
(37 CFR 1.482) and all claims satisfied provisions of PCT  
Article 33(2)-(4) .....\$ 100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than  
☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR  
1.492(e)).

Claims	Number Filed	Number Extra	Rate
Total Claims	- 20 =		X \$ 18.00
Independent Claims	- 3 =		X \$ 84.00
Multiple dependent claim(s)(if applicable)			+ \$280.00

**TOTAL OF ABOVE CALCULATIONS =**

Reduction by 1/2 for filing by small entity, if applicable. -

**SUBTOTAL =**

Processing fee of \$130.00 for furnishing the English translation later  
than ☐ 20 ☐ 30 month from the earliest claimed priority date (37 CFR  
1.492(f)). +

**TOTAL NATIONAL FEE =**

Amount to be  
refunded \$

Charged \$

- a. ☐ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

OLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, Virginia 22320

Date: January 6, 2003

NAME: William P. Berridge  
REGISTRATION NUMBER: 30,024

NAME: Philip A. Caramanica, Jr.  
REGISTRATION NUMBER: 51,528

06 JAN 2003

TRANSMITTAL LETTER TO THE  
UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING  
UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER  
11206U.S. APPLICATION NO.  
(if known, sec 37 C.F.R.1.5)  
10/069,883INTERNATIONAL APPLICATION NO.  
PCT/FR00/02429INTERNATIONAL FILING DATE  
September 1, 2000PRIORITY DATE CLAIMED  
September 1, 1999

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15. ☐ Entitlement to small entity status is hereby asserted.
16. ☐ Other items or information:

U.S. APPLICATION NO. (if known, see  
C.F.R. 1.5) 10/069,883

INTERNATIONAL APPLICATION NO.  
PCT/FR00/02429

ATTORNEY'S DOCKET NUMBER  
1062

17. ☐ The following fees are submitted:

**Basic National fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO .... \$890.00

International preliminary examination fee paid to USPTO  
(37 CFR 1.482) ..... \$710.00

No international preliminary examination fee paid to USPTO  
(37 CFR 1.482) but international search fee paid to USPTO  
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paid to USPTO ..... \$1,040.00

International preliminary examination fee paid to USPTO  
(37 CFR 1.482) and all claims satisfied provisions of PCT  
Article 33(2)-(4) ..... \$ 100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

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☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR  
1.492(e)).

Claims	Number Filed	Number Extra	Rate
Total Claims	- 20 =		X \$ 18.00
Independent Claims	- 3 =		X \$ 84.00
Multiple dependent claim(s)(if applicable)			+ \$280.00

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Reduction by 1/2 for filing by small entity, if applicable. -

**SUBTOTAL =**

Processing fee of \$130.00 for furnishing the English translation later  
than ☐ 20 ☐ 30 month from the earliest claimed priority date (37 CFR  
1.492(f)). +

**TOTAL NATIONAL FEE =**

Amount to be  
refunded \$

Charged \$

- a. ☒ Check No. 130413 in the amount of \$130.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

**SEND ALL CORRESPONDENCE TO:**

OLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, Virginia 22320

NAME: William P. Berridge  
REGISTRATION NUMBER: 30,024

Date: May 1, 2002

NAME: Thomas J. Pardini  
REGISTRATION NUMBER: 30,411

10 Rec

06 JAN 2003

#5  
ENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Francois MALLET et al.

ATTN: PCT Branch

Application No.: 10/069,883

Docket No.: 112062

Filed: May 1, 2002

For: METHOD FOR DETECTING THE EXPRESSION OF AN ENVELOPE  
PROTEIN OF A HUMAN ENDOGENOUS RETROVIRUS AND USES OF A  
GENE CODING FOR SAID PROTEIN

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C 371 IN THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**  
**DECLARATION ALREADY FILED**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

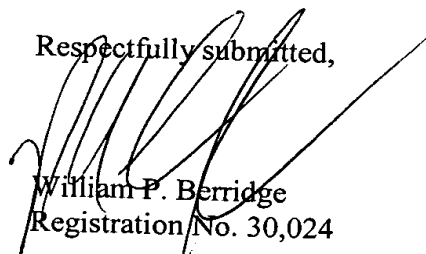
In response to the Notification of Missing Requirements Under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on June 4, 2002, the executed Declaration of the inventor(s) was filed on May 1, 2002. A copy of the executed Declaration as filed, a copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371, and a copy of the stamped postcard receipt are attached hereto. The surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)) was also paid on May 1, 2002 with our Check No. 130413 for \$130.00.

In addition, a Supplemental Preliminary Amendment is concurrently filed. The Supplemental Preliminary Amendment submits a substitute Sequence listing (paper and computer-readable copies) that complies with the Sequence Listing requirements.

Entry of the executed Declaration on May 1, 2002, and entry of the Sequence Listing concurrently filed, should complete all of the filing formalities. Accordingly, prompt issuance of a Notification of Acceptance and Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Director is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461.

Respectfully submitted,

  
William P. Berridge  
Registration No. 30,024

Philip A. Caramanica  
Registration No. 51,528

WPB:PAC/hs

Attachments:

- Copy of Notification of Missing Requirements
- Copy of Executed Declaration
- Copy of Transmittal Letter
- Copy of Date-Stamped Postcard Receipt

Date: January 6, 2003

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
---

RECEIPT FOR FILING OF PAPER

The following papers have been filed: 10 Rec'd 06 JAN 2003

PCT t, ck130413, \$130, DEC, Assign t, ck130414, \$40, ASSIGN

Name of Applicant: Francois MALLET et al.

Serial No.: 10/069,883

Atty. File No.: 112062

Title (New Cases):

Sender's Initials: WPB/mlb

259/26

PATENT OFFICE DATE STAMP



COPY TO BE STAMPED BY PATENT OFFICE  
AND RETURNED BY MESSENGER

10 Rec'd

36 JUN 2003

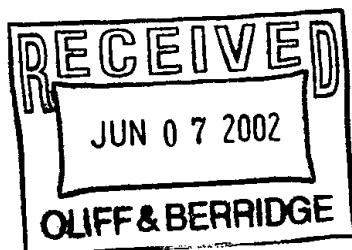


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/069,883	Francois Mallet	112062

William P Berridge  
 Oliff & Berridge  
 P O Box 19928  
 Alexandria, VA 22320



INTERNATIONAL APPLICATION NO.	
PCT/FR00/02429	
LA. FILING DATE	PRIORITY DATE
09/01/2000	09/01/1999

CONFIRMATION NO. 3896

371 FORMALITIES LETTER



\*OC000000008189842\*

Date Mailed: 06/04/2002

**MISSING PARTS**

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

DUE DATE

AUG 04 2002

**DOCKETED**  
 By [Signature] on 6/7 2002  
 and  
 By [Signature] on 6/7 2002  
 Oliff & Berridge

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:



• The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- APPLICANT MUST PROVIDE:
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."

• For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/069,883	PCT/FR00/02429	112062